

REMARKS**Claim Rejections 35 U.S.C. 103**

In the Office Action, the Examiner rejected claims 1-3, 6-8 and 11-13 under 35 U.S.C. 103(a) as being unpatentable over Hawker (US Pat. 5,790,679) in view of Dyer (US Pat. 6,688,421).

Applicant submits that claim 3 had been previously canceled, and therefore, the rejection made thereto is not appropriate.

Further, in response to the rejections to claims 1-2, 6-8 and 11-13, Applicant hereby otherwise traverses these rejections. As such, Applicant submits that claims 1-2, 6-8 and 11-13 are novel and unobvious over Hawker, Dyer, or any of the other cited references, taken alone or in combination, and thus should be allowed.

Addressing claim 1, the Examiner contended in the current Office Action "[O]ne of ordinary skill in the art would recognize that a sidewall is an edge ..." ("Response to Arguments" section, page 4). **Applicant respectfully disagrees.** As previously submitted Applicant believes that "... an edge is a line or border at which a surface terminates, while a sidewall is presented as a surface being extended, from which the positioning slices are extended ...". Applicant believes so relying on at least two evidences as follows.

1. As defined in Merriam-Webster online dictionary, an edge is either "the cutting side of a blade", "the sharpness of a blade", "the line where an object or area begins or ends", "a point near the beginning or the end, or "a line or line segment that is the intersection of two plane faces (as of a pyramid) or of two planes", none of which supports the Examiners consumption of "[O]ne of ordinary skill in the art would recognize that a sidewall is an edge ..." (See <http://www.m-w.com/dictionary/edge>);

2. Dyer teaches "a cavity 104 to accommodate at least a part of an audio device" (col.

3, lines 32-33), and “[R]etention flaps 350 protrude from the edges of cavity 104 ...” (col. 4, lines 22-23). When referring to Fig. 3, which is cited by the Examiner for arriving at the present invention, the edge 350 would have been inevitably and clearly understood as having a blade form that is distinct from the sidewall that is required by the claimed invention, as set forth in claim 1.

Since neither common knowledge nor the specification of the cited reference has clearly taught or even implied the edge to be a sidewall, one of ordinary skill in the art would not have been taught to straddle over the gap between these two concepts and consequently arrive at the claimed invention with teachings of Hawker and Dyer.

Further, independent claim 6 recites the limitation of “the rear sound enclosure comprising a first portion formed extending along the rear cover, and a second portion formed extending perpendicular with the rear cover”, and similarly claim 11 recites the limitation of “a rear sound enclosure having an “L” shaped side cross-section being formed between said rear cover and said speaker module frame”. Applicant submits that such limitations are neither taught, disclosed, nor suggested by Hawker and Dyer.

Addressing these limitations, the Examiner contended in the current Office Action “wherein the rear sound enclosure has an ‘L’ shaped cross-section comprising a first portion (inner surface of #38) formed extending along the rear cover (38), and a second portion (26) formed extending perpendicular with the rear cover (38)”. Applicant respectfully disagrees. As clearly expressed in claims 6 and 11, what has an “L” shaped cross-section, or “comprising a first portion formed extending along the rear cover, and a second portion formed extending perpendicular with the rear cover is the rear sound enclosure that is **“formed between said rear cover and said speaker module frame”**, rather than the rear cover itself (Emphasis added). As such, when considered as a whole, neither the inner surface of item 38, nor the item 38 that have been interpreted as reading on the rear cover

itself should be construed as the rear sound enclosure that is formed between the rear cover and the said speaker module frame, or the first portion and second portion of the rear sound enclosure.

Therefore, Hawker, Dyer, alone or in combination, fail to teach each and every limitation of the claimed invention, as set forth in claims 1, 6, and 11. Accordingly, claims 1, 6, and 11, and their dependent claims 2, 7, 8, 12 and 13 are submitted to be novel and unobvious over Hawker, and Dyer, and thus should be allowable.

Claims 4-5, 9-10, and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawker in view of Dyer as applied to claims 1, 6, and 11, and further in view of Croft (US 2002/0191808).

In response thereto, Applicant submits that claims 4-5, 9-10, and 14-15 depend on allowable independent claims 1, 6, and 11 respectively, and thus should also be allowable.

CONCLUSION

For at least the foregoing reasons, it is believed that the pending claims 1, 2, and 4-15 are in proper condition for allowance and an action to such effect is earnestly solicited. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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Respectfully submitted,

Belinda Lee

Belinda Lee

Registration No.: 46,863

Jianq Chyun Intellectual Property Office
7th Floor-1, No. 100
Roosevelt Road, Section 2
Taipei, 100
Taiwan
Tel: 011-886-2-2369-2800
Fax: 011-886-2-2369-7233
Email: belinda@jciigroup.com.tw
Usa@jciigroup.com.tw